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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,645	07/13/2001	Damir Perge	FUT-01	3381

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EXAMINER

REAGAN, JAMES A

ART UNIT PAPER NUMBER

3621

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,645

Applicant(s)

PERGE ET AL.

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in response to the restriction election filed on 03 August 2004.
2. Claims 1-19 have been selected.
3. Claims 20 and 21 are hereby cancelled.
4. Claims 1-19 have been examined.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6, 7, 10 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's admission in view of Luke et al. (US 6,131,087 A).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in

preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 1:

Applicant, as shown, discloses the following limitations:

- *receiving current presenter information that includes a plurality of current presenter parameters* (see at least the background of the specification, page 2);
- *identifying at least one of the current presenter parameters as a private parameter* (see at least the background of the specification, page 2);
- *receiving current searcher information that includes a plurality of current searcher parameter* (see at least the background of the specification, page 2);
- *comparing current presenter parameters, including the private parameter, to corresponding current searcher parameters* (see at least the background of the specification, page 2);
- *determining if the current presenter and the current searcher are a match;* (see at least the background of the specification, page 2); and
- *transmitting current presenter parameters, excluding any private parameters, to the current searcher* (see at least the background of the specification, page 3);

The Applicant does not specifically disclose that the matching process takes place between business associates, but Luke in at least column 3, lines 40-42 discloses, "...providing a system of matching and bargaining based on the many variable dimensions of a transaction between market participants." In addition, Luke also discloses, "...providing a system of matching anonymous participants that arranges the performance of a negotiated exchange." It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the existing business related matching systems as disclosed by the Applicant with Luke's anonymous

matching system, because it facilitates a transaction related relationship between buyer and sellers.

Claim 2:

With regard to the limitation of *maintaining a current database of current searchers and current presenters*, see at least the background of the specification, page 3.

Claim 3:

With regard to the limitations of *maintaining a historical database of past successful matches between past searchers and past presenters*, see at least the background of the specification, page 3, as well as Luke, column 4, lines 39-44.

Claims 4, 6, 7, and 10:

The combination of Applicant's admissions/Luke discloses the limitations as shown above. Applicant/Luke do not specifically disclose:

- *interpreting one of the current presenter parameters to indicate a desired outcome;*
- *extracting from the historical database a set of similar past presenters that have parameters similar to those of the current presenter;*
- *defining a corresponding set of similar past searchers, each searcher in the set of similar past searchers having reached the desired outcome with a corresponding past presenter in the set of similar past presenters;*
- *reviewing the set of similar past searchers to identify a current searcher, and arranging for the selected current searcher to receive the transmitted current presenter parameters; and*

- *selecting matching current searchers from a database of current searchers, the matching current searchers having parameters similar to those in the set of similar past searchers, and selected to receive the transmitted current presenter parameters;*

However, the Examiner takes **Official Notice** that it would have been obvious to one of ordinary skill in the online business brokerage arts at the time of the invention to use old and well-known functionality of a relational database to store historical records of past and current searches between buyers and sellers for the purposes of establishing similar results from current search patterns that emulate successful past matches. Using this technique of extrapolating current behavior based upon historical trends or participants and applying the same principles to future scenarios increases the likelihood of further profitable matches. Likewise, modifying this matching system to search for possible matches based on related variables would result in the same profitable outcome.

The limitations of claim 10 are equivalent to the limitations of 4, 6, and 7, and are therefore rejected on the same grounds.

Claims 17 and 18:

The combination of Applicant's admissions/Luke discloses the limitations as shown above. Applicant/Luke do not specifically disclose:

- *providing the computer systems as a server portion and a client portion; and*
- *the client portion is provided as a mobile wireless device;*

However, the Examiner takes **Official Notice** that it would have been obvious to one of ordinary skill in the online business brokerage arts at the time of the invention to use old and well-known devices such as the client-server network model and associated wireless computing devices because these devices are plentiful in the online community as well as user friendly and efficient for communication purposes.

Claim 19:

The limitations regarding claim 19 are essentially identical to the limitations of claim 1 above, and are therefore rejected on the same grounds.

7. Claims 5, 8, 9, and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant/Luke in view of Buckwater et al. (US 6,735,568 B1).

Claims 5, 8, 9, 11, and 14-16:

The combination of Applicant/Luke discloses the limitations as shown above. Applicant/Luke do not specifically disclose:

- *a goodness-of-fit factor is used in selecting the set of similar past presenters, the goodness-of-fit factor indicative of a minimum number of parameters that must match;*
- *a goodness-of-fit factor is used in selecting the current searcher, the goodness-of-fit factor indicative of the minimum number of parameters that must match.*
- *a goodness-of-fit factor is used in selecting the set of similar past presenters, the goodness-of-fit factor indicative of a minimum number of parameters that must match;*
- *receiving from the presenter a value setting the minimum number of private parameters that must be used in the determining step;*
- *receiving from the searcher a value setting the maximum number of private variables that are allowed not to match in the determining step;*
- *receiving from the presenter a value setting an acceptable limit on the value the searcher sets as the maximum number of private variables that are allowed not to match in the determining step;*

Buckwater, however, in at least column 2, lines 4-14 discloses a satisfaction estimator based upon individual factors. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the matching systems as disclosed by Applicant/Luke with Buckwater's satisfaction estimator because predicting a satisfying relationship based upon user testimonial increases the likelihood of a profitable arrangement between participants. In addition, basing the factor upon a minimum or maximum number of mandatory matching factors and or other related limitations is an obvious design choice that would most likely result in an increase in satisfactory matches.

Claims 12 and 13:

The combination of Applicant/Luke discloses the limitations as shown above. Applicant/Luke do not specifically disclose:

- *identifying presenter parameters using two privacy levels, public or private;*
- *identifying presenter parameters using more than two levels of privacy;*

Buckwater, however, in at least column 3, lines 15-36 discloses multiple communication levels selected by the participants which correlates to the amount of privacy each is willing to forgo while communicating to a possible match. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the matching systems as disclosed by Applicant/Luke with Buckwater's varying levels of communication because providing varying degrees of privacy ensures customer satisfaction while corresponding with possible matches.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including

After Final communications labeled "Box AF"]

(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED"

or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

JAR
30 August 2004



JAMES P. TRAMMELL
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